

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

AUTHORS GUILD, DAVID BALDACCI, MARY BLY, MICHAEL CONNELLY, SYLVIA DAY, JONATHAN FRANZEN, JOHN GRISHAM, ELIN HILDERBRAND, CHRISTINA BAKER KLINE, MAYA SHANBHAG LANG, VICTOR LAVALLE, GEORGE R.R. MARTIN, JODI PICOULT, DOUGLAS PRESTON, ROXANA ROBINSON, GEORGE SAUNDERS, SCOTT TUROW, and RACHEL VAIL, individually and on behalf of others similarly situated,

Plaintiffs,

v.

OPENAI INC., OPENAI LP, OPENAI LLC, OPENAI GP LLC, OPENAI OPCO LLC, OPENAI GLOBAL LLC, OAI CORPORATION LLC, OPENAI HOLDINGS LLC, OPENAI STARTUP FUND I LP, OPENAI STARTUP FUND GP I LLC, and OPENAI STARTUP FUND MANAGEMENT LLC,

Defendants.

JONATHAN ALTER, KAI BIRD, TAYLOR BRANCH, RICH COHEN, EUGENE LINDEN, DANIEL OKRENT, JULIAN SANCTON, HAMPTON SIDES, STACY SCHIFF, JAMES SHAPIRO, JIA TOLENTINO, and SIMON WINCHESTER, on behalf of themselves and all others similarly situated,

Plaintiffs,

v.

OPENAI, INC., OPENAI GP, LLC, OPENAI, LLC, OPENAI OPCO LLC, OPENAI GLOBAL LCC, OAI CORPORATION, LLC, OPENAI HOLDINGS, LLC, and MICROSOFT CORPORATION,

Defendants.

No. 1:23-cv-08292-SHS

**JOINT MOTION AND  
STIPULATION AND  
PROPOSED  
ORDER REGARDING  
PLAINTIFFS' MOTION TO  
SEAL AND DEFENDANTS'  
MOTION TO SEAL**

No. 1:23-cv-10211-SHS

**JOINT MOTION AND STIPULATION REGARDING PLAINTIFFS' MOTION TO SEAL AND DEFENDANT OPENAI'S MOTION TO SEAL**

WHEREAS on April 13, 2024, Plaintiffs filed a letter motion to compel containing information which the OpenAI Defendants ("OpenAI") considers confidential. Dkt. No. 106 in Case No. 1:23-cv-08292; Dkt. No. 82 in Case No. 1:23-cv-10211;

WHEREAS in connection with Plaintiffs' letter motion, Plaintiffs filed a motion to seal. Dkt No. 105 in Case No. 1:23-cv-08292, Dkt. No. 81 in Case No. 1:23-cv-10211;

WHEREAS on April 16, 2024, OpenAI responded to Plaintiffs' letter motion to compel. Dkt No. 112 in Case No. 1:23-cv-08292; Dkt. No. 88 in Case No. 1:23-cv-10211;

WHEREAS in connection with OpenAI's response to Plaintiffs' letter motion to compel, OpenAI responded to Plaintiffs' motion to seal and filed its own motion to seal. Dkt No. 111 in Case No. 1:23-cv-08292, Dkt. No. 86 in Case No. 1:23-cv-10211;

WHEREAS the parties have met and conferred, and in the interest of judicial economy, the parties have agreed to, and request that the Court order, the following:

1. The following information may be unsealed:
  - a. Plaintiffs' Letter Motion to Compel (Dkt. No. 106 in Case No. 1:23-cv-08292; Dkt. No. 83 in Case No. 1:23-cv-10211), in its entirety;
  - b. Exhibit D to Plaintiffs' Letter Motion to Compel, in its entirety;
  - c. Defendants' Opposition to Plaintiffs' Letter Motion to Compel (Dkt No. 112 in Case No. 1:23-cv-08292; Dkt. No. 88 in Case No. 1:23-cv-10211), in large part, subject to section (2)(a), below;
  - d. Affidavit Declaration of Bright Kellogg, in its entirety;
  - e. Plaintiffs' Partial Opposition to Defendants' Motion to Seal (Dkt No. 118 in Case No. 1:23-cv-08292; Dkt. No. 93 in Case No. 1:23-cv-10211), in its entirety.

2. The following information should remain sealed, in light of the privacy interests of former OpenAI employees:
  - a. Defendants' Opposition to Plaintiffs' Letter Motion to Compel (Dkt No. 112 in Case No. 1:23-cv-08292; Dkt. No. 88 in Case No. 1:23-cv-10211), the text that appears between the phrases "... have not worked for OpenAI" and "Second, OpenAI had already ... " found in the last paragraph on page 3, such that the redacted version would read: "... have not worked for OpenAI [REDACTED]. Second, OpenAI had already ... "
3. The pending motions to seal, Dkt No. 105 in Case No. 1:23-cv-08292, Dkt. No. 81 in Case No. 1:23-cv-10211 & Dkt No. 111 in Case No. 1:23-cv-08292, Dkt. No. 86 in Case No. 1:23-cv-10211, should be denied as moot.

The parties further agree that this joint motion and stipulation is made without prejudice to either parties' arguments in their respective motions to seal, or to either parties' ability to seek sealing of other information in the future. The parties further agree that this joint motion stipulation cannot be used to argue that any other information is not confidential.

Dated: April 29, 2024

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**[PROPOSED] ORDER**

Pursuant to the stipulation and for good cause shown,

IT IS SO ORDERED that Plaintiffs' Letter Motion to Compel (Dkt. No. 106 in Case No. 1:23-cv-08292, Dkt. No. 83 in Case No. 1:23-cv-10211), Exhibit D to Plaintiffs' Letter Motion to Compel, Affidavit Declaration of Bright Kellogg, and Plaintiffs' Partial Opposition to Defendants' Motion to Seal (Dkt No. 118 in Case No. 1:23-cv-08292; Dkt. No. 93 in Case No. 1:23-cv-10211) are unsealed in their entirety. Public versions shall be filed by the original filing party within five business days of this order.

IT IS SO ORDERED that Defendants' Opposition to Plaintiffs' Letter Motion to Compel (Dkt No. 112 in Case No. 1:23-cv-08292; Dkt. No. 88 in Case No. 1:23-cv-10211) is unsealed other than the phrase identified in the parties' joint motion and stipulation. Defendant OpenAI shall file a redacted version of Dkt No. 112 in Case No. 1:23-cv-08292 and Dkt. No. 88 in Case No. 1:23-cv-10211 that conforms to this order within five business days of this order.

IT IS SO ORDERED that Plaintiffs' Motion to Seal (Dkt No. 105 in Case No. 1:23-cv-08292, Dkt. No. 81 in Case No. 1:23-cv-10211) and Defendants' Motion to Seal (Dkt No. 111 in Case No. 1:23-cv-08292, Dkt. No. 86 in Case No. 1:23-cv-10211) are denied as moot.

Dated: \_\_\_\_\_

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Honorable Sidney H. Stein